

United States Department of the Interior Bureau of Land Management

Determination of NEPA Adequacy
DOI-BLM-CO-S010-2014-0010

February 2015

Term Grazing Permit Issuance for the Yellow Jacket and Flodine Park Allotments

Location: Canyons of the Ancients National Monument

Yellow Jacket Allotment:

T36N, R20W, Sec. 1, 12, 13, 24, 25

T36N, R19W, Sec. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22

Flodine Park Allotment:

T35N, R20W, Sec. 3, 10, 11, 12, 13, 14, 15, 22, 23

T35N, R19W, Sec. 7, 16, 17, 18, 20, 21

Applicant/Address: Canyons of the Ancients National Monument
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Dolores, CO 81323

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Canyons of the Ancients National Monument
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Worksheet

Determination of NEPA Adequacy

U.S. Department of the Interior
Colorado Bureau of Land Management

OFFICE: Canyons of the Ancients National Monument, CANM

PROPOSED ACTION TITLE/TYPE: Term Grazing Permit Issuance for the Yellow Jacket and Flodine Park Allotments.

LOCATION/LEGAL DESCRIPTION: Canyons of the Ancients National Monument

Yellow Jacket Allotment: T36N, R20W, Sec. 1, 12, 13, 24, 25; T.36N, R19W, Sec. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22

Flodine Park Allotment: T35N, R20W, Sec. 3, 10, 11, 12, 13, 14, 15, 22, 23; T35N, R19W, Sec. 7, 16, 17, 18, 20, 21

A. Description of the Proposed Action and Any Applicable Mitigation Measures

Background:

Currently, both the Yellow Jacket (#08018) and Flodine Park (#08066) grazing allotments are vacant and are within Canyons of the Ancients National Monument. In 2005 the term grazing permits for both these allotments were analyzed in Environmental Assessment (CO-SJPLC-03-099) as part of the term grazing permit renewals. Based on this analysis it was determined that several Rangeland Health Standards were not being met for these allotments and that current livestock grazing management was one of the causal factors. Therefore, as a result of this analysis, changes to the grazing levels and seasons of use were implemented and the existing term grazing permits for these allotments were modified through issuance of a Final Grazing Decision to reflect these changes in grazing management. Subsequently, the permit holder relinquished the permit and no new term grazing permit was re-issued for these allotments.

In addition, the BLM acquired all the unfenced private lands within these allotments which changed the percent public land calculations for determining animal unit months (AUMs). The AUMs reflected in the proposed action have been adjusted to include the AUMs that were associated with the private lands within both allotments.

Proposed Action

The proposed action is to issue new term grazing permits for these allotments under the same terms and conditions for livestock grazing as identified in the 2005 Environmental Assessment to one or more qualified applicants as follows:

Allotment	Allotment Number	Livestock			Percent Public Land	AUMs
		Number	Kind	Season of Use		
Flodine Park	08066	57	Cattle	10/1 – 2/28	100	283

Allotment	Allotment Number	Livestock			Percent Public Land	AUMs
		Number	Kind	Season of Use		
Yellow Jacket	08018	86	Cattle	3/1 – 5/27	100	249
Yellow Jacket	08018	86	Cattle	12/7 – 2/28	100	238

The following terms and conditions would be included as part of the term grazing permits for the Flodine Park and Yellow Jacket Allotments:

Resource/Livestock Management

1. The terms and conditions of this grazing permit can be modified if additional information indicates that a revision is necessary to conform with Title 43 CFR 4180, or if livestock use is jeopardizing cultural resources on public lands.
2. All grazing use shall be in accordance with the grazing regulations found in 43 CFR 4100, and shall meet the requirements as described in the BLM Standards for Public Land Health in Colorado. All livestock grazing use shall be managed according to BLM Guidelines for Livestock Grazing Management in Colorado.
3. An Annual Operating Plan (AOP) will be reviewed by the permittee and BLM, at least 14 days prior to initiation of grazing use. The AOP will address the grazing rotation for the permitted allotment, as well as range improvements that will be worked on during the grazing season. Failure to participate in reviewing the AOP will result in delays in turnout authorization.
4. Livestock grazing use that is different from that authorized by the permit or lease must be applied for prior to the grazing period and must be filed with and approved by the authorized officer before grazing use can be made.
5. During the dormant season (i.e. October 1st through February 28th) livestock numbers may be increased to make full use of the full amount of permitted AUM's during a shortened grazing season. These changes must be applied for and approved in advance of the grazing season.
6. Utilization levels shall not exceed 35 percent on key forage species of current year's growth as measured at the key monitoring sites.

7. The temporary placement of salt blocks, supplemental feed, water tanks, holding pens or other facilities on public lands requires prior authorization from BLM. Authorization of temporary improvements includes consideration of cultural resources, threatened & endangered species, and other sensitive resources. Proposed locations will be flagged prior to seeking authorization. All archaeological and/or historic sites must be avoided.
8. An accurate Actual Grazing Use Report showing use by pasture must be turned in within fifteen days after completing grazing use. Future, annual grazing authorizations may not be processed without receipt of an Actual Use Report.
9. Maintenance of all structural range improvements and other projects (i.e. reservoirs, springs, corrals, roads, etc.) will be the responsibility of the permittee to which it has been assigned. Maintenance will be in accordance with cooperative agreements and/or range improvement permits. This written authorization must be on-site when the work is being completed. Failure to maintain assigned projects in a satisfactory condition may result in withholding authorization to graze livestock until maintenance is completed.
10. The permittee is responsible for informing persons associated with their livestock operation that they are subject to prosecution for knowingly disturbing Native American shrines, historic and prehistoric archaeological sites, or for collecting artifacts of any kind, including historic items, and/or arrowheads and pottery shards from Federal lands.
11. If impacts to archeological or historic sites are discovered (i.e. vandalism, recent wall collapse) during livestock operations on the allotment, the BLM should be notified as soon as possible so that further deterioration and resource loss can be prevented.
12. As provided for in Title 43 CFR 4130-3-2 (h), the permittee shall provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands.

Terms Specific to the Yellow Jacket Allotment

1. Livestock grazing would not be permitted on the entire Yellow Jacket Allotment one year out of every three during the critical period (i.e. March 1st through May 31st) to provide critical period rest.
2. Grazing use during the critical growing season (i.e. March 1st through May 31st) may not exceed the AUMs allocated for this use period as shown on the permit.

Administrative

1. Grazing fee payments are due on the date specified on the billing notice and must be paid in full within fifteen days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.

2. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due. Including settlement of unauthorized use.
3. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of Interior.
4. This grazing permit/lease is subject to cancellation, in whole or in part, at any time because of:
 - a. Non-compliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
5. Those holding permits or leases must own or control and be responsible for the management of livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended.
8. No member of , or delegate to, Congress or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise there from; and the provision of section 3741 Revised Statutes (41 U.S.C. 22; 18 U.S.C. Sections 431-433, and 43 CFR Part 7), enter into a form a part of a grazing permit or lease, so far as the same may be applicable.

B. Land Use Plan (LUP) Conformance

LUP Name: Canyons of the Ancients National Monument Resource Management Plan, July 2009.

The proposed action is in conformance with this resource management plan because it specifically provided for in section 1.3.3 Livestock Grazing Management starting on page 6 of the plan decision – *“The approved plan permits 23 allotments covering approximately 150, 036*

acres". In addition, Map 3 contained in the Appendix and referenced on page 7 of this decision identifies both the Yellow Jacket and Flodine Park Allotments as being available for livestock grazing.

The proposed action is also in conformance with this resource management plan contained in Chapter 2 "Management Decisions" of the plan decision on page 83 in which it addresses livestock grazing goals and objectives as follows: *"Manage livestock grazing in a manner that is consistent with Public Land Health Standards and Guidelines for livestock grazing Management in Colorado; and maintains a thriving natural ecological balance, effective multiple-use relationships, and productive forage resources."*

The proposed action is also in conformance with this resource management plan contained in Chapter 2 "Management Actions: Allowable Uses and Actions" on page 84 in which it states – "Permit 6,437 active AUMs" and "Administer 23 Allotments".

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Canyons of the Ancients National Monument, Bureau of Land Management, Environmental Assessment CO-SJPLC-03-099 (EA). *"Livestock Grazing Permit Renewal for Yellow Jacket, Cahone Mesa, Goodman Gulch, Sand Canyon East, Sand Canyon West, Flodine Park and Hamilton Mesa Allotments."*

The Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS) for Canyons of the Ancients National Monument (July 2009).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

☒ Yes

☐ No

Documentation of answer and explanation:

The proposed action considered in this DNA is the same as Alternative B "Deferred Grazing Critical Period" for the Yellow Jacket Allotment and Alternative C "Grazing during Dormant Season" for the Flodine Park Allotment analyzed in the above referenced Environmental Assessment (CO-SJPLC-03-099-EA).

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

☒ Yes

☐ No

Documentation of answer and explanation:

The proposed action considered in this DNA is the same as the alternatives analyzed in the existing EA (CO-SJPLC-03-099-EA). The range of alternatives is appropriate for analyzing potential impacts of livestock grazing to these allotments as a result of the proposed action. The range of alternatives analyzed in EA (CO-SJPLC-03-099-EA) are the following:

Alternative A – Proposed Action; Alternative B – Deferred Grazing During Critical Period; Alternative C – Grazing During Dormant Season; Alternative D – No Grazing and Alternative E – No Action.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

Existing analysis in the referenced EA (CO-SJPLC-03-099-EA) is adequate. There has been no new information or circumstances relevant to the project area (Yellow Jacket and Flodine Park Allotments). There is no new information or new circumstances that would change the analysis of the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

☒ Yes

☐ No

Documentation of answer and explanation:

The impact analysis completed in the EA considered a range of grazing management actions to included stocking levels, AUM's, seasons of use, deferment and rest periods. The effects of these management actions on the natural environment were analyzed in this EA. The direct, indirect, and cumulative effects of the proposed action in the DNA are the same as those analyzed and disclosed in the EA. Implementation of this proposed action would not change conclusions regarding cumulative effects to resources within the analysis area.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

The 2009 Canyons of the Ancients National Monument Resource Management Plan included participation of the public. The existing EA also included participation (see Chapter 4 of EA).

A copy of the EA was mailed to those individuals, organizations, local governments, Native American Tribes, state agencies and other federal agencies on February 3, 2004, for a 30 day public comment period. At the request of several members of the public a 38 day extension to the public comment period for the EA was provided, for a total comment period of 68 days. Extensive comments were received from all entities. Responses to these comments were formulated and sent back to respondents as an attachment to the Final EA and FONSI/Decision Record.

E. Persons/Agencies/BLM Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Marietta Eaton	Monument Manager, CANM	Monument Manager
Michael Jensen	Rangeland Management Specialist	Range Resources/Project Lead
Gina Jones	Planning and Environmental Coordinator	NEPA
Nathaniel West	Wildlife Program Lead	Wildlife, T&E Animals, BLM Sensitive Animals, Fisheries
Jeff Christenson	Outdoor Recreation Planner	Recreation
Vince MacMillan	Archaeologist	Cultural Resources

CONCLUSION

Plan Conformance:

- ☒ This proposal conforms to the applicable land use plan.
- ☐ This proposal does not conform to the applicable land use plan

Determination of NEPA Adequacy

- ☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.
- ☐ The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.



Signature of the Responsible Official

2-12-15

Date

ATTACHMENTS:

Attachment 1 – Project Area Map